

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION**

CASE NO. 24-14052-CIV-CANNON

VERONICA PHILLIPS,
as guardian of Jazmin Bennink,

Plaintiff,

v.

BRENTON BENNINK,

Defendant.

**ORDER ACCEPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION [ECF No. 21]**

THIS CAUSE comes before the Court upon the Magistrate Judge's Report and Recommendation on Defendant's Motion to Dismiss (the "Report"), issued on April 26, 2024 [ECF No. 21]. The Report recommends that the Court grant Defendant's Motion to Dismiss Plaintiff's Amended Complaint [ECF No. 15 (seeking dismissal of ECF No. 6)]. Objections to the Report were due on May 10, 2024 [ECF No. 21 p. 9]. No party has filed objections, and the time to do so has expired [ECF No. 21 p. 9].

To challenge the findings and recommendations of a magistrate judge, a party must file specific written objections identifying the portions of the proposed findings and recommendation to which objection is made. *See* Fed. R. Civ. P. 72(b)(3); *Heath v. Jones*, 863 F.2d 815, 822 (11th Cir. 1989); *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). A district court reviews de novo those portions of the report to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1). To the extent a party fails to object to parts of the magistrate judge's report, the Court may accept the recommendation so long as there is no clear error on the face of the

CASE NO. 24-14052-CIV-CANNON

record. *Macort*, 208 F. App'x at 784. Legal conclusions are reviewed de novo, even in the absence of an objection. *See LeCroy v. McNeil*, 397 F. App'x 554, 556 (11th Cir. 2010); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

Following review, the Court finds no error of law or fact in the well-reasoned Report. Accordingly, it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation [ECF No. 21] is **ACCEPTED**.
2. Defendant's Motion to Dismiss [ECF No. 15] is **GRANTED**.
3. Plaintiff's Amended Complaint [ECF 6] is **DISMISSED**.
4. The Clerk of Court is directed to **CLOSE** this case. Any pending motions are **DENIED AS MOOT**, and all deadlines are **TERMINATED**.

DONE AND ORDERED in Chambers at Fort Pierce, Florida this 20th day of May 2024.

A handwritten signature in black ink, appearing to read 'Aileen Cannon', written over a horizontal line.

AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record